

**SB0466**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB0466**

Introduced 2/8/2007, by Sen. John J. Cullerton

**SYNOPSIS AS INTRODUCED:**

20 ILCS 505/34.11

Amends the Children and Family Services Act. Requires the Department of Children and Family Services to develop and administer a program of information and services for caregivers, particularly older caregivers, of children previously in Department custody, with respect to the future care and custody of those children. Effective immediately.

LRB095 03627 JAM 23649 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended  
5 by changing Section 34.11 as follows:

6 (20 ILCS 505/34.11)

7 Sec. 34.11. Grandparent child care program.

8 (a) The General Assembly finds and declares the following:

9 (1) An increasing number of children under the age of  
10 18, including many children who would otherwise be at risk  
11 of abuse or neglect, are in the care of a grandparent or  
12 other nonparent relative.

13 (2) The principal causes of this increase include  
14 parental substance abuse, child abuse, mental illness,  
15 poverty, and death, as well as concerted efforts by  
16 families and by the child welfare service system to keep  
17 children with relatives whenever possible.

18 (3) Grandparents and older relatives providing primary  
19 care for at-risk children may experience unique resultant  
20 problems, such as financial stress due to limited incomes,  
21 emotional difficulties dealing with the loss of the child's  
22 parents or the child's unique behaviors, and decreased  
23 physical stamina coupled with a much higher incidence of

1 chronic illness.

2 (4) Many children being raised by nonparent relatives  
3 experience one or a combination of emotional, behavioral,  
4 psychological, academic, or medical problems, especially  
5 those born to a substance-abusing mother or at risk of  
6 child abuse, neglect, or abandonment.

7 (5) Grandparents and other relatives providing primary  
8 care for children lack appropriate information about the  
9 issues of kinship care, the special needs (both physical  
10 and psychological) of children born to a substance-abusing  
11 mother or at risk of child abuse, neglect, or abandonment,  
12 and the support resources currently available to them.

13 (6) An increasing number of grandparents and other  
14 relatives age 60 or older are adopting or becoming the  
15 subsidized guardians of children placed in their care by  
16 the Department. Some of these children will experience the  
17 death of their adoptive parent or guardian before reaching  
18 the age of 18. For most of these children, no legal plan  
19 has been made for the child's future care and custody in  
20 the event of the caregiver's death or incapacity.

21 (7) Grandparents and other relatives providing primary  
22 care for children lack appropriate information about  
23 future care and custody planning for children in their  
24 care. They also lack access to resources that may assist  
25 them in developing future legal care and custody plans for  
26 children in their legal custody.

1           (b) The Department may establish an informational and  
2 educational program for grandparents and other relatives who  
3 provide primary care for children who are at risk of child  
4 abuse, neglect, or abandonment or who were born to  
5 substance-abusing mothers. As a part of the program, the  
6 Department may develop, publish, and distribute an  
7 informational brochure for grandparents and other relatives  
8 who provide primary care for children who are at risk of child  
9 abuse, neglect, or abandonment or who were born to  
10 substance-abusing mothers. The information provided under the  
11 program authorized by this Section may include, but is not  
12 limited to the following:

13           (1) The most prevalent causes of kinship care,  
14 especially the risk of substance exposure or child abuse,  
15 neglect, or abandonment.

16           (2) The problems experienced by children being raised  
17 by nonparent caregivers.

18           (3) The problems experienced by grandparents and other  
19 nonparent relatives providing primary care for children  
20 who have special needs.

21           (4) The legal system as it relates to children and  
22 their nonparent primary caregivers.

23           (5) The benefits available to children and their  
24 nonparent primary caregivers.

25           (6) A list of support groups and resources located  
26 throughout the State.

1           The brochure may be distributed through hospitals, public  
2 health nurses, child protective services, medical professional  
3 offices, elementary and secondary schools, senior citizen  
4 centers, public libraries, community action agencies selected  
5 by the Department, and the Department of Human Services.

6           (c) In addition to other provisions of this Section, the  
7 Department shall establish a program of information, social  
8 work services, and legal services for any person age 60 or over  
9 and any other person who may be in need of a future legal care  
10 and custody plan who adopt, have adopted, take guardianship of,  
11 or have taken guardianship of children previously in the  
12 Department's custody. This program shall also assist families  
13 of deceased adoptive parents and guardians. As part of the  
14 program, the Department shall:

15           (1) Develop a protocol for identification of persons  
16 age 60 or over and others who may be in need of future care  
17 and custody plans, including ill caregivers, who are  
18 adoptive parents, prospective adoptive parents, guardians,  
19 or prospective guardians of children who are or have been  
20 in Department custody.

21           (2) Provide outreach to caregivers before and after  
22 adoption and guardianship, and to the families of deceased  
23 caregivers, regarding Illinois legal options for future  
24 care and custody of children.

25           (3) Provide training for Department and private agency  
26 staff on methods of assisting caregivers before and after

1 adoption and guardianship, and the families of older and  
2 ill caregivers, who wish to make future care and custody  
3 plans for children who have been wards of the Department  
4 and who are or will be adopted by or are or will become  
5 wards of those caregivers.

6 (4) Ensure that all caregivers age 60 or over who will  
7 adopt, have adopted, will become guardians of, or are  
8 guardians of children previously in Department custody  
9 have specifically designated future caregivers for  
10 children in their care. The Department shall document this  
11 designation, and the Department shall also document  
12 acceptance of this responsibility by any future caregiver.  
13 Documentation of future care designation shall be included  
14 in each child's case file and adoption or guardianship  
15 subsidy files as applicable to the child.

16 (5) Ensure that any designated future caregiver and the  
17 family of a deceased caregiver have information on the  
18 financial needs of the child and future resources that may  
19 be available to support the child, including any adoption  
20 assistance and subsidized guardianship for which the child  
21 is or may be eligible.

22 (6) Provide legal and social work services to older and  
23 ill caregivers, and the families of deceased caregivers,  
24 with the goal of securing a court-ordered or other legal  
25 future care and custody plan for children in their care.  
26 Court-ordered plans may include: standby adoption, standby

1 guardianship, adoption, guardianship, or other  
2 court-ordered custody plans. Other legal plans may include  
3 short-term guardianship or testamentary guardianship  
4 through a last will and testament.

5 Legal services shall include legal consultation,  
6 ongoing representation and counseling, and review of  
7 adoption assistance and subsidized guardianship  
8 agreements.

9 Social work services shall be offered with the goal of  
10 facilitating agreements between a current and potential  
11 future caregiver and any other family members or persons  
12 who are significant in the life of a child regarding future  
13 care and custody of the child.

14 (7) Ensure that future caregivers designated by  
15 adoptive parents or guardians, and the families of deceased  
16 caregivers, understand their rights and potential  
17 responsibilities and shall be able to provide adequate  
18 support and education for children who may become their  
19 legal responsibility.

20 (8) Ensure that future caregivers designated by  
21 adoptive parents and guardians, and the families of  
22 deceased caregivers, understand the problems of children  
23 who have experienced multiple caregivers and who may have  
24 experienced abuse, neglect, or abandonment or may have been  
25 born to substance-abusing mothers.

26 (9) Ensure that future caregivers designated by

1 adoptive parents and guardians, and the families of  
2 deceased caregivers, understand the problems experienced  
3 by older and ill caregivers of children, including children  
4 with special needs, such as financial stress due to limited  
5 income and increased financial responsibility, emotional  
6 difficulties associated with the loss of a child's parent  
7 or the child's unique behaviors, the special needs of a  
8 child who may come into their custody or whose parent or  
9 guardian is already deceased, and decreased physical  
10 stamina and a higher rate of chronic illness and other  
11 health concerns.

12 (10) Provide additional services as needed to families  
13 in which a designated caregiver appointed by the court or a  
14 caregiver designated in a will or other legal document  
15 cannot or will not fulfill the responsibilities as adoptive  
16 parent, guardian, or legal custodian of the child.

17 No later than January 1, 2008, the Department shall adopt  
18 rules to implement this subsection. On or before January 1,  
19 2009 and each January 1 thereafter, the Department shall submit  
20 to the General Assembly a report on the implementation of this  
21 subsection.

22 (Source: P.A. 88-229; 88-670, eff. 12-2-94; 89-507, eff.  
23 7-1-97.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.